IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2049 OF 2001

Shri.P.N.Sonara ...Petitioner

vs.

Bank of Baroda Employees' Amar Jyoti Co-op. Housing Society Ltd. & Ors. ...Respondents.

Mr.V.K.Sawant, for Petitioner.

CORAM: D.K.DESHMUKH,J.

DATED: 6th April, 2005.

P.C.:-

1. Perusal of the order passed by the Revisional Authority shows that one of the reasons for which the Revision was dismissed, was that the Revision was filed beyond the period of limitation. In the petition, a ground is raised that the petitioner was communicated the recovery certificate on 8.1.1999, and the petitioner has filed the Revision application on 13.1.1999. In the Memorandum of Revision which was filed before the Revisional Authority, the petitioner

nowhere states that he received the recovery certificate on 8.1.1999. He has also not prayed for condonation of delay. It is not in dispute that on 13.1.1999 when the Revision was filed, the Revision was barred by the Law of Limitation. Therefore, either a ground should have been raised in the Revision claiming limitation from the knowledge of the order or the delay should have been explained and the prayer should have been made for condonation of delay. Admittedly, neither was done before the Revisional Authority. Therefore, no fault can be found on the part of the Revisional Authority for dismissing the revision as barred by the Law of Limitation. Therefore, the petition has no substance. It is rejected.